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**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Fax: (571) 273-8300

RECEIVED

JUL 17 2012

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 6,098,247

Application Number: 09/120,422

Issue Date: Aug. 8, 2000

Filing Date: March 3, 2000

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

☒ is a reissue of original Patent No. 6,098,247
original application number 09/120,422
original filing date March 3, 2000

original issue date Aug 8, 2000

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application
_____ filed on _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is:

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

6/15/12
Date

ASantelli
Signature

Albert Santelli
Typed or printed name of person signing Certificate

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1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input checked="" type="checkbox"/> \$ <u>1425⁰⁰</u>	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input checked="" type="checkbox"/> \$ <u>2365⁰⁰</u>	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ _____

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 1640⁰⁰ (Fee Code: 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.SURCHARGE FEE BEING SUBMITTED \$ 1640⁰⁰

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 5430.00☐ Please charge Deposit Account No. _____ the sum of \$ _____☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to
Deposit Account No. _____

The PTO did not receive the following

Noted item(s) A check For \$5430.00

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7. OVERPAYMENT

As to any overpayment made, please

☐ Credit to Deposit Account No. _____

OR

☐ Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely, and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Signature(s) of Petitioner(s)

Albert Santelli

Typed or printed name(s)

205 Hallock Ave

Address

Middlesex, NJ 08846

Address

Date

6/13/12

Registration Number, if applicable

732-424-8400

Telephone Number

2012 JUL 16 PM 3:36

ENCLOSURES:



Maintenance Fee Payment - sent to Director of US Patent and Trademark Office



Statement why maintenance fee was not paid timely



Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)



Other:

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37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."



Signature

6/15/12

Date

Albert Santelli

Type or printed name

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

The law firm of Duane Morris was hired to file for patents, maintain records and file appropriate fees for each patents maintenance schedule. The first scheduled maintenance fee at 3.5 years was paid in a timely manner. However at some point after the firm closed our files without notifying us and therefore not paying any subsequent maintenance fees. In August of 2010, we contacted the firm for updated status and were told any correspondence received by them in our behalf from the USPTO had been returned to sender. At that time, we sent a letter to the USPTO (attached) requesting all future correspondence be sent direct to our company. Failure to maintain this patent and pay the scheduled maintenance fees were unavoidable due to the firm not continuing to keep files current with our knowledge.

2012/07/15 PM 3:36

(Please attach additional sheets if additional space is needed)



PO Box 692
Bound Brook, NJ 08805

205 Hallock Avenue
Middlesex, NJ 08846

September 22, 2010

OFFICE OF PETITIONS

Commissioner for Patents
United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313

To Whom It May Concern:

Please be advised that Duane Morris LLP, located at PO Box 5203, Princeton, NJ 08543 is no longer representing Albert Santelli Jr or Fram Trak Ind and should be removed as Power of Attorney. All future correspondence should be sent to the address(s) as shown above for any/all patents. Current patents are listed below:

6,059,268
6,098,247
6,302,382 B2
6,589,454 B1
6,669,427 B1
6,872,888 B2
7,075,010
7,075,010 B2
7,090,652 B2

Regards,

Albert Santelli Jr
COO
Fram Trak Ind Inc
732-424-8400